

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12946 of Investment Group Development Corp., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition allowing parking less than ten feet from the wall of a multiple dwelling containing openings designed to provide light or ventilation (Paragraph 7205.22) in an R-5-C District at the premises 4700 Connecticut Avenue, N.W., (Square 1978, Lots 25 and 28).

HEARING DATE: June 13, 1979
DECISION DATE: July 11, 1979

FINDINGS OF FACT:

1. The subject property is located on the west side of Connecticut Avenue between Cumberland Street and Chesapeake Street, N.W. The subject premises is known as 4700 Connecticut Avenue, N.W. and is zoned R-5-C.
2. The subject property is irregular in shape. It is improved with a six story apartment building which was converted to condominium ownership in March 1978. The building has a total of fifty-five apartments with eleven units on each floor.
3. At the first floor level on the Connecticut Avenue frontage, there is a common garage with seventeen parking spaces having access from Chesapeake Street at the south side of the building and eight one car garages in the rear of the building having access from the public alley.
4. The applicant intends to provide eight additional parking spaces in the rear yard of the subject property.
5. Paragraph 7205.22 requires parking spaces to be a minimum of ten feet from any wall of a multiple dwelling if the wall contains openings designed to provide light or ventilation for the building. The applicant is providing no setback from the wall and needs a variance of the full ten feet which will allow parking directly adjacent to the building.
6. The proposed parking spaces will be immediately behind and adjacent to the entrances to eight individual private parking garages. Each garage has its own door opening at the rear of the building.

7. The use of each proposed parking space will be limited to the owner of the immediately adjacent parking garage, as stated in the Public Offering Statement for the subject condominium, which was filed with the D.C. Recorder of Deeds on or about January 20, 1979, pursuant to the provisions of the Condominium Act of 1976, D.C. Law 1-89. These parking spaces are clearly being used, and have been so used for many years, even though no permission from the Board had been obtained.

8. Access to the street from the parking garages and proposed parking spaces is by way of a twenty foot wide public alley at the rear of the apartment building. Each parking space will be at least four feet inside the property from the alley, with most spaces being at least seven feet removed from the alley. No parking space will abut the alley. A vehicle parked in any of the eight proposed spaces should not obstruct traffic in the alley.

9. The proposed parking spaces will abut the rear wall of the apartment house which has windows for air, light and ventilation from the second to the sixth stories.

10. The applicant testified that although the spaces will abut the rear wall, there are no openings for light and ventilation at the first floor level through which the carbon monoxide can enter. There is, however, a door which leads to the hall of the subject building.

11. The Office of Planning and Development, by memorandum dated June 5 and by testimony at the hearing, recommended that the application be denied on the grounds that the proposed parking spaces would obstruct access to the garage spaces and create additional noise and air pollution in the area adjacent to the rear of the building. As to access, the Board finds that the proposed spaces would be used by the same persons owning the garage space, and there would thus be no unremovable obstruction of parking spaces. As to noise and air pollution, the Board finds that the parking spaces have been used, although improperly, for many years without apparent adverse effect on the building. The nearest windows are more than ten feet above the proposed spaces.

12. Advisory Neighborhood Commission 3F made no recommendation on the application.

13. A resident of the subject building testified that there were no complaints over the proposed parking spaces. The Board so finds.

14. Five letters were submitted to the file from resident/owners of the subject condominium which supported the creation of the parking spaces.

15. Two letters were received from surrounding property owners opposing the application on the grounds that delivery and service trucks obstruct the alley which is used as ingress and egress to other properties. While one letter stressed concern over possible obstruction of emergency vehicle traffic when using the alley, the other letter cited two medical emergencies during which the owner's car was obstructed by alley and apartment complex congestion. The Board finds that cars properly parked in the proposed spaces will not extend into the public alley, and will be sufficiently removed from the alley so as not to obstruct the public space.

16. A representative from the Essex apartments, to the north, did not oppose the application with the understanding that all of the proposed parking spaces were in the rear of the building, not the side.

CONCLUSIONS OF LAW

Based on the findings of fact, the Board concludes that the relief requested is an area variance, the granting of which requires the showing of a practical difficulty upon the owner inherent in the property. The Board concludes that the location of the existing building on the lot create the practical difficulty, since there is insufficient room to provide the ten foot setback.

The Board concludes that the location of the new parking spaces will not cause any adverse effects on the residents of the building in that there are no openings at the first floor level through which pollutants from the cars could enter the building.

The Board notes that each new space will be used by the owner of the immediately adjacent parking garage.

The Board notes the support of the residents for the application and notes the opposition from nearby property owners is not well founded.

The Board concludes that the relief requested can be granted since it will not cause any substantial detriment to the public good nor substantially impair the intent, purpose and integrity of the Zoning Regulations and map.

Accordingly, it is ORDERED that the application be GRANTED.

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VOTE: 3-2 (Chloethiel Woodard Smith, William F. McIntosh, Walter B. Lewis to grant, Charles R. Norris and Leonard L. McCants opposed).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 17 AUG 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.